

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC.,

Plaintiff,

v.

MOTOROLA MOBILITY, INC.

Defendant.

Case No. 11-CV-178-bbc

Hon. Barbara B. Crabb

**APPLE'S MOTION FOR LEAVE TO REPLY TO MOTOROLA'S RESPONSE BRIEF
REGARDING THE NATURE OF DISMISSAL**

At the November 5, 2012 pretrial hearing, Apple furnished the Court with a Bench Memorandum regarding the Court's jurisdiction and the nature of any dismissal. *See* Dkt No. 499. Motorola has now filed a response to that Bench Memorandum. Since the November 5 hearing, two significant events have taken place that Apple's Bench Memorandum did not have the opportunity to address. First, the Court issued an order setting forth its reasons for dismissing this case. *See* Dkt. No. 503. Second, the parties have entered discussions regarding the prospect of settling this dispute through binding arbitration. Due to these developments, Apple respectfully requests that this Court grant it leave to file the enclosed reply brief, to address these new facts, as well as the further arguments Motorola raises regarding the nature of dismissal.

Dated: November 15, 2012

Respectfully submitted,

/s/ Samuel Ernst

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CERTIFICATE OF SERVICE

I, Samuel F. Ernst, an attorney, do hereby certify that I caused a copy of the foregoing to be electronically filed with the Court and served on all parties on November 15, 2012 using the Court's electronic case filing system.

By: /s/ Samuel F. Ernst
Samuel F. Ernst